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March 6, 2023

The Honorable Nicholas G. Garaufis
United States District Judge
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Douglass Mackey, Criminal Docket No. 21-0080 (NGG)

Dear Judge Garaufis:

On behalf of the parties, I write to request an extension of time from today until tomorrow within which to supplement our respective *in limine* positions on tweets, chats, and messages proffered by the government.

The parties convened at great length this past weekend, but the project is time-intensive, and more work remains. Some issues have been resolved, others await discussion, and others will require the Court's intervention. In addition, before filing submissions to the Court, the government envisions revising its proffered exhibits so that the defense can review edits and redactions. The parties currently envision provided the Court with one set of the universe of the chats (to be maintained under seal), paginated within each category (e.g., tweets, direct messages, group chats, etc.), so that the parties can refer in their respective letters to disputed issues by page number to facilitate the Court's review.

Meanwhile, I have two commitments this morning that cannot be rescheduled or delegated: a court appearance in Manhattan followed by a meeting in Newark in advance of a scheduled guilty plea tomorrow morning in a sealed case before Judge Esther Salas. The scheduled guilty plea tomorrow morning in Newark prevents me from promising that I can complete my share of the parties' work by noon tomorrow, and so I respectfully request that no temporal restriction for tomorrow's proposed deadline be imposed. The parties appreciate the need for expedition and are proceeding accordingly, and we believe that our continued cooperative efforts will produce a result that will facilitate the Court's resolution of disputes.

The parties appreciate the Court's consideration.

Respectfully submitted,

/s/ Andrew J. Frisch
Andrew J. Frisch

cc: AUSA Erik Paulsen
AUSA Turner Buford
AUSA William Gullotta